

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

20-10823 BKOBJ04
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Santander Bank, N.A.

In Re:

SAMUEL K TOMPOE AND CECELIA TOMPOE

Case No: 18-17695-CMG

Hearing Date: December 6,
2023

Judge:

Chapter: 13

**OBJECTION TO CONFIRMATION
OF DEBTORS' CHAPTER 13 MODIFIED PLAN**

Santander Bank, N.A. ("Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtors' Chapter 13 Modified Plan* [DE 270], and states as follows:

1. The Debtors filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 18, 2018.
2. Creditor holds a security interest in the Debtors' real property located at 66 Penwood Drive, Ewing, NJ 08618 (the "Property"), by virtue of a Mortgage.
3. The Debtors filed a Chapter 13 Modified Plan (the "Plan") on October 28, 2023 [DE 270].
4. Creditor filed a Proof of Claim in this case on June 27, 2018 (Claim No. 13).
5. Consent Order entered on August 2, 2023 [DE 262] orders the post-petition arrearage in the amount of \$3,608.40 be added to the Plan.
6. The Plan includes payments toward the Note and Mortgage with Creditor, however

the figures used by the Debtors are inaccurate and do not conform to Consent Order entered on August 2, 2023. The correct post-petition arrearage pursuant to the Consent Order should be \$3,608.40, whereas the Plan proposes to pay only \$2,481.89.

7. The regular monthly mortgage payment which is due on the subject Note and Mortgage beginning March 1, 2023 should be \$1,586.68, not \$1,448.00 as indicated in the Plan.

8. Furthermore, the monthly payment is subject to periodic adjustments for escrow and/or for variable interest rates and thus must be amended during the pendency of the plan in accordance with the loan documents.

9. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. § 1325(a)(5) and cannot be confirmed. Creditor objects to the Plan and to any plan which does not appropriately provide for the correct regular monthly mortgage payment and the correct amount on its post-petition claim.

WHEREFORE, Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Matthew Fissel

Matthew Fissel, NJ Bar No. 038152012
Andrew Spivack, NJ Bar No. 018141999
Jay Jones, NJ Bar No. 972011
Attorney for Creditor
BROCK & SCOTT, PLLC
3825 Forrestgate Drive
Winston Salem, NC 27103
Telephone: (844) 856-6646
Facsimile: (704) 369-0760
E-Mail: NJBKR@brockandscott.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

20-10823 BKOBJ04
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Santander Bank, N.A.

In Re:

SAMUEL K TOMPOE
CECELIA TOMPOE

Case No: 18-17695-CMG

Hearing Date: December 6,
2023

Judge:

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Cassondra Emanuel:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Santander Bank, N.A. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On November 28, 2023, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO CONFIRMATION OF DEBTORS' MODIFIED
CHAPTER 13 PLAN

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: November 28, 2023

/s/ Cassondra Emanuel
Cassondra Emanuel

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<p>SAMUEL K TOMPOE 66 PENNWOOD DRIVE TRENTON, NJ 08638</p>	<p>Debtor</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>CECELIA TOMPOE 66 PENNWOOD DRIVE TRENTON, NJ 08638</p>	<p>Debtor</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.